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**U.S. House of Representatives**  
**Committee on Commerce**  
**Room 2125, Rayburn House Office Building**  
**Washington, DC 20515-6115**

**Statement of Chairman Michael Bilirakis**  
**Health and Environment and Oversight and Investigations Subcommittee Hearing**  
**Proposed Ozone and Particulate Matter Standards**  
**April 10, 1997**

I first want to thank our panel of distinguished witnesses for being with us this morning.

Each member of our witness panel has been -- or is -- in the case of Dr. Mauderly -- Chairman of the **Clean Air Scientific Advisory Board**. In addition, all members of our witness panel took part in the most recent reviews of the National Ambient Air Quality Standards for ozone and particulate matter.

Thus, I believe it is fair to say that collectively, our witnesses represent a "blue ribbon" panel of experts on ozone and particulate matter. Although our witnesses have different academic and professional backgrounds, they have spent many hours reviewing the science behind the ozone and particulate matter standards and perhaps more importantly, the subsequent analysis of the relative strength of this science and the conclusions which can be drawn

The scientific evidence behind the proposed ozone and particulate matter standards is crucial to our understanding of the policy choices that will be made regarding any new standards. This science is represented -- in summary form -- in the documents which are stacked to my right. These documents **are** the Criteria Documents for both standards, the EPA Staff Papers, and the Federal Register notices for the proposals.

I am sure you will agree it is an impressive stack of paper. It represents the work of many **highly** educated and trained professionals. It required years to complete. However, the essential question remains -- what do all the studies, all the statistics, all the charts and tables, and all the **interpretative** analyses actually prove?

In my mind, that is what we are here for today. We need to begin our committee's review of the proposals, hear from the experts, and attempt to understand what the science behind the proposals **does** and does not show.

I believe this is the same critical examination of law and policy which this Committee has **engaged**

in during previous reviews of the Clean Air Act and regulations established under the authority of the Act. In fact, the first oversight hearing concerning the 1990 Clean Air Act Amendments was held less than four months after the law was enacted. The ink was barely dry before this Committee was critically reviewing implementation activities of EPA and the Executive Branch.

I also believe that, over the years, this Committee has a history of bridging substantial differences with respect to environmental legislation. I remember quite well the clean air negotiating sessions of late 1989 and 1990. Although our political philosophies varied substantially, and regional differences were significant, we were able, in the end, to craft responsible legislative language. Not perfect legislative language; but legislation which fairly reflected the compromises that were necessary to deliver a comprehensive reauthorization measure.

At the heart of all endeavors regarding the Clean Air Act is a deliberative process. This process is borne of the fact that the law itself is long and complex. This process also reflects the fact that environmental law cannot be effectively established and implemented in a vacuum, that we must necessarily consider the impact of a law or regulation on everyday life.

In this regard, I do find it disconcerting that the present process has been driven by a federal lawsuit filed in Arizona. I do not question the legal interpretation in this case that the Act requires a periodic review of each standard, nor that the review for particulate matter was past due. However, I find it troubling that an EPA official indicated, under oath and threat of perjury in this case, that it would take 51 months from September, 1994, to complete the necessary review of the proposed standards.

Let me quote directly from court papers filed in that case. In opposing a motion for summary judgement, EPA stated that any shorter timetable than December 1, 1998 for final promulgation of the particulate matter standard, "would require EPA to reach conclusions on critical scientific and policy issues -- with enormous consequences for society -- before it has had an adequate opportunity to collect and evaluate pertinent scientific data. ." EPA further stated that a 51 months was "an extremely ambitious schedule and represents the minimum time necessary to complete the review, consistent with satisfying applicable legal requirements and reaching a sound and scientifically supportable decision."

The promulgation date for the new standards is now over 16 months earlier than the date EPA considered "extremely ambitious." Thus, I would like to hear, in detail, from the CASAC members here how this truncated review period affected their deliberations. When coupled with other factors -- like an extremely rushed a 3 week review period by the Office of Management and Budget -- I believe conditions could have been set for a "rush to judgement" on the proposed standards.

While we cannot change the past, nor control the actions of the Executive Branch, I believe that, at a minimum, this committee must take the time necessary to ensure that our review of the standards is deliberate, careful and fully-informed. I will not rush to judgement on the proper level of the new standards, but I expect that the Committee and this House should have a full opportunity to review all pertinent information and make whatever independent judgements which are necessary.